

XXXI, NO. 552

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JOHNSON (W. C. Achi and Johnson)—Office No. 19 West St.; Tel. 884.

BERRY, Attorney-at-Law—Moved to cor. King and Bethel Sts. Rooms 2 and 3.

DUCKEY—King and Bethel Sts. Tel. 807; P. O. box 798.

WICK W. JOH—Suite 815, Marine Bldg., Chicago, Ill.; Hawaiian General for States of Illinois, Indiana, Ohio, Indiana and Wisconsin.

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# COUNCIL OF STATE

## Sensation for Court of Claims.

### RULES MUST BE CHANGED

#### Water First, Filtration System Afterward -- Hawaii Gets Big Appropriations.

Resolved, That it is the sense of the Council of State that the Executive orders of the President, published in regard to the Court of Claims are unfair and unjust, and must be changed.

W. C. ACHI, Councilor of State, Honolulu, April 5, 1900.

Above is a resolution introduced yesterday into the Council of State by Councilor Achi. That it disturbed the equanimity of the Council may be judged. The resolution was terse and to the point. After Achi finished his argument in support of the introduction of the resolution, it was voted through the Council in a hurry and was made the order of business for today at the expiration of the discussion upon the appropriation contained in Special Act 7, which will be heard first. The fate of the appropriation asked for by the Executive Council for the maintenance of the Court is not only at stake today, but the personnel of the commission will in all probability be decided.

President Dole took his seat at 3 o'clock, and the following Councilors answered the roll call of Secretary Manson: Allen, Gear, Jones, Kane, Scott, Robinson, Isenberg, Achi, Robinson, Gonsalves, Kauukou, Ministers Mott-Smith, Young and Damon were present. Attorney General Cooper was engaged in court and was not present.

The minutes of the preceding meeting were read, and, after a few corrections had been made, were approved.

Councilor Achi then introduced his resolution, which was laid on President Dole's desk. Achi made a lengthy argument in support of the resolution, saying in part:

**Rules are Unjust.**

"The more I read this order the more I find out that this order is unfair and unjust to the people. There are many things in this order which I find unjust. It is stated in the order that the judgment of the Court of Claims is final upon all points. I believe this is against our Constitution and against section 86. In that Constitution the decision of the Supreme Court is final, and I believe the Constitution is right and fair, because it is supposed that the Judges of the Supreme Court must be the smartest lawyers in the country, well trained and experienced. I think everybody will admit that the Court appointed is not the right Court. I think the verdict of 50 per cent of the residents of this city is against it. I think the rules should be changed so that an appeal can be made to the President or to the Supreme Court. There are some other things, too. It says: 'Sworn statements of the appraisers appointed by the Board of Health will be taken as prima facie proof.' That is unfair. There is no show for me if I want to sue the Government. Suppose my house has been burned down. The sworn statement of any member of the Government is bound by these rules to be taken as true. What use is there for me to bring in my witnesses if the Court is to be bound by this order?"

President Dole: "It is prima facie proof, Mr. Achi."

Achi: "Oh, yes. According to our laws the people are given a fair show for examination, but in this rule of the Court of Claims the people are barred out from examining those witnesses. I don't think it is fair for the people to be treated like that; to say that the sworn statement of an agent of the Board of Health is final. We know at the time of the fire the officers of the Board were too busy to look after measurements. If I have a case to bring before the Court of Claims, I want to have a fair show to cross-examine the witnesses of the Government. But by this I am effectually barred."

**Council Represses People.**

"I believe the rules ought to be changed. I don't say that the Council of State can change the rules, but the Council has a right to express its opinion, and I believe if the Council expresses an opinion, I believe it is the

duty of the Government to act accordingly. I believe the Council of State represents the old legislature. Two-thirds of these councilors were elected by the legislature, so I believe the Council represents the whole people at large. If the Council expresses an opinion upon the laws I think it ought to be taken into consideration.

"Suppose a man bought a lease a while ago and his place was burned shortly afterward; as I understand it, he cannot bring a claim on account of having bought up a lease; so the actual losses he sustained, belong to the owner of the property. No man can claim anything for rent or for the loss of occupation of his premises.

But it is known that the Board of Health is holding the property of the people and the people are losing the use of their property and also their income.

"Something must be done. I want the people to be protected, but they are barred out from that. The evidence of the appraisers is to be taken instead of mine. I wish to give the Ministers of the Cabinet time to prepare their reply, and I want every member of the Council to have a fair show to put himself on record."

**Gear Quotes Figures.**

Gear: "I second that resolution, and also ask that it be set as the special order of the day tomorrow after the Council is through with the consideration of Special Act 7. I don't think the resolution goes far enough. That is my opinion, briefly. I was very much surprised to find that instead of the Court sitting for six months it is more likely that it will sit for six years. I got that from the attorney of the Board of Health, and he tells me there would be nearer 6,000 claims than 2,000, and said that it would be rapid work if five claims were disposed of in a day. Then the attorney is to be paid \$7 for every case adjudicated upon its merits. Suppose there are 2,000 cases or claims settled that way; we would have to pay this attorney \$14,000. It was rather a surprise for me to hear all this, and I think it will surprise the community. I don't think the people have any idea that the time would be dragged out like that."

**A Commission Proposed.**

"In talking to a number of business men it seems to be the impression that a commission will be the best organization, a body which will not be bound by the rules and technicalities required of a 'Court.' I myself am opposed to the Court of Claims entirely. I believe that the rules and plans of the Court already adopted will so circumscribe its work as to make it ineffective. I know it is the intention of many attorneys to bring some of their large cases direct to the attention of the next Legislature. As it is stated that the judgment of the Court will not in any way bind the Government, I don't quite see the efficacy of the Court. I again second the resolution."

Young stated his desire that the resolution be made the order for today's session, as Mr. Cooper will be able to attend the meeting.

**Authority Was Vague.**

President Dole: "In the first place, the reason for asking for a special Court was that the Supreme Court is covered up with a great amount of work, so the regular proceedings of the Supreme Court would be very much interfered with. Then the authority creating the Court gave no provision for appeal. The authority was very brief and vague. But the natural construction was that it was a final Court, to adjudicate claims which should be paid by the Council of State."

Ka-ne: "I think the resolution ought to be made the order of tomorrow's session, and that a special committee be appointed to prepare and

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# PLAGUE TO WINDWARD?

## Suspect Cases Reported In Koolau.

### BOARD OF HEALTH MEETS

#### Reports of Committees on Burial and A Morgue -- Petitions and Other Matters.

Two suspicious cases of sickness are reported in Koolau, on the windward side of this island. A special train carried Drs. Garvin and Hoffmann to Kahuku, arriving there shortly before 1 o'clock this morning. Up to the time of going to press nothing further than that which is reported below could be learned concerning the matter. The doctors will probably stay in Kahuku until daylight, when they will proceed to Koolau.

Dr. A. B. Carter of Makao, Koolau, telephoned to the Board of Health yesterday afternoon about 4 o'clock, saying that there were two very suspicious cases of sickness in that district. The telephone connection was poor and details of the affair could not be learned beyond the fact that both patients had high temperatures, 104 degrees and thereabouts, and that large swellings were evident in the maxillary glands.

Dr. Carter was immediately authorized to establish a strict quarantine at the place where the cases occurred and to take all precautionary measures found necessary. It was not learned whether the victims are Oriental, natives or white persons. It was impossible for the Board of Health or the Advertiser to learn anything further in the matter last night.

Dr. Wood was notified of Dr. Carter's report and the executive officer, Dr. Garvin, went immediately to procure a special train to Kahuku, the end of the railway line, seven or eight miles from Makao, where Dr. Carter resides. The train was made up, but Dr. Garvin had to wait until Dr. Hoffmann could be secured. It was some time before Dr. Hoffmann was found and late in the evening before the special train left Honolulu for Kahuku.

**Board of Health Meeting.**

President Wood, Executive Officer Dr. Garvin, Dr. Day, Dr. Emerson and Messrs. Lowrey, Smith and Hatch were present at the meeting of the Board of Health yesterday afternoon. President Wood was in the chair. The first matter of business taken up for consideration was the meat supply at the leper settlement on Moikak. It was deemed advisable that an effort be made to substitute canned or preserved meats for fresh beef, and the matter was referred to the Executive Officer of the Board, who will make the arrangements required. Dr. Wood read a report from Dr. Hoffmann in relation to a sensational rumor that

the man who recently committed suicide in the "Villa" had done so because he realized that he had the plague. The following is Dr. Hoffmann's report:

"Examinations of the cultures from the body of the suicide, which were made on April 4, 1900, show me no plague bacilli, nor were any signs of internal sickness, especially plague, found macroscopically or microscopically in the rat killed in the burned district on low ground near Kaunakapili Church, sent in by Towse."

"DR. W. HOFFMANN."

**Purchasing Agent Question.**

The Council of State is considering the matter of a purchasing agent for the Board of Health. Councilor A. V. Gear was present at the Board of Health meeting and spoke on the subject, saying that the committee having the matter in hand had consulted with Dr. Wood and Mr. Hatch, and that it had been referred to Mr. Allen. The necessity of such an officer for the Board had been argued in the Council of State, but the matter had been deferred until the opinion of the Board of Health had been ascertained. Gear thought it would be a wise idea to have a thorough business man to take the matter in hand. It would mean the saving of a great deal of money. It would be the purchasing agent's duty to supervise all buying in every branch of the Health Department.

Dr. Wood inquired of Secretary Wilcox if he could state to what extent buying for the Board had been done by tender. Gear thought it would be impossible to cover all necessary purchases by tender. Dr. Wood learned from Wilcox that almost all of the buying was done by tender. The President thought it would be best to have the bills of the six months preceding the outbreak of plague, gone over for the purpose of finding out definitely just how much business was done by tender and then report the facts preparatory to any action being taken concerning a purchasing agent.

**The Drill Shed Camp.**

Dr. Wood said that he had several matters of importance to bring before the Board, the first of which was the reading of the reply of the Minister of the Interior to the petition concerning the inmates of the drilled shed camp, as follows:

"In the matter of the petition referred to the Executive Council from persons at present detained at the drill shed camp, praying that they be allowed to retain their quarters in said camp, until May 1st, 1900, or until the quarantine is fully raised so that they may be able to seek employment outside of Honolulu, I desire to inform you that, at a meeting of the said Council, it was voted to allow said petitioners to remain in said quarters until May 1st, 1900."

**Petitions From Kalih.**

The following petitions from Hawaiians and Japanese at the Kalih detention camp were next in order:

"We, the undersigned Hawaiian subjects who are living in the Kalih detention camp ordered by you to prepare to leave the place, become homeless and without the support of the Board of Health, beg the Board to allow us to continue in the camp. We hope the Board will carefully consider this petition and help us, your humble servants, as we hope God will also help you." Signed by about a hundred Hawaiians.

"We, the undersigned Japanese persons, do hereby respectfully show that we are now living in Kalih detention camp as our only place of shelter, where we have been since January last or thereabouts under quarantine regulations; that our time under such quarantine having expired, we have remained, as the remnant of about 3,000 people, for the reason that we have been unable to find any other place to live in or to shelter us; that a large number of us are without money or means, and that among us are about sixty-five women and children; that we have been refused quarters at the relief camps:

"Therefore, we respectfully ask that we may be permitted to remain where we now are, in said Kalih detention camp until on or about the day of May, A. D. 1900." Signed by about 175 Japanese.

Both of the foregoing petitions were referred to the Executive.

**Finance Committee's Letter.**

A letter from the Finance Committee of the Board of Health was then read as follows:

"I beg to report, on behalf of your Finance Committee, that five payrolls, dated January 31st, 1900, amounting to \$5,474.85, appear to have been paid by warrants 160, 161, and 170, dated February 5th, 1900, without having been previously submitted to this committee for audit. The committee believes these payrolls to be correct, but considers it important to mention to you this informality, which affords an instance of the difficulty attending the efforts of the committee to lay before the Board accurate statements of their expenditure in the suppression of the bubonic plague, and to frame for them estimates of probable requirements."

**Shipments of Spirits.**

W. C. Peacock & Co. asked permission through a written communication to make shipments to the outer districts on this island of American beer in bottle, packed in Honolulu. The goods are imported in casks and placed in cold storage at a temperature of 40 degrees until required. They are then taken to the bottling plant about fifty yards from the storage and there bot-

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"JOHN BULL NEVER GETS EXCITED."